

**FILED**

DISTRICT COURT OF GUAM

FEB 24 2005 *nba*

MARY L.M. MORAN  
CLERK OF COURT

24

IN THE UNITED STATES DISTRICT COURT  
FOR THE TERRITORY OF GUAM

|                              |   |                            |
|------------------------------|---|----------------------------|
| UNITED STATES OF AMERICA,    | ) | CRIMINAL CASE NO. 05-00005 |
|                              | ) |                            |
| Plaintiff,                   | ) |                            |
|                              | ) |                            |
| vs.                          | ) |                            |
|                              | ) |                            |
| JAE HEE KIM a.k.a. YONG KIM, | ) | <b>ORDER</b>               |
|                              | ) |                            |
| Defendant.                   | ) |                            |

On February 2, 2005, the Grand Jury returned an Indictment charging the Defendant with Possession of fifteen or More Counterfeit or Unauthorized Access Devices, in violation of 18 U.S.C. §§ 2 and 1029(a)(3). (Docket No. 10.) On February 3, 2005, the Defendant appeared with court-appointed counsel Curtis Van de veld at an arraignment hearing. (Docket No. 15.) Attorney Van de veld requested that the Court continue his client's arraignment hearing so that they could further discuss the charged offense. (Id.) The Court granted the request and continued the hearing to February 8, 2005. (Id.)

On February 8, 2005, the Defendant again appeared with counsel and entered a not guilty plea to the charge in the Indictment. (Docket No. 19.) Attorney Van de veld requested that the case be set for further proceedings in anticipation that the Defendant may change his plea to guilty. (Id.) The Court granted the Defendant's request and, instead of setting a trial date, continued the matter to February 18, 2005 for further proceedings. (Id.)

On February 18, 2005, at the parties' request, the Court again continued the matter to February 24, 2005. (Docket No. 23.)

On February 24, 2005, the parties presented the Court with another stipulation to continue this matter to a date on or after March 1, 2005. See Exhibit A, attached. In order to protect the Defendant's right to a speedy trial, the Court declines to sign the stipulation and instead will set this matter for trial. If the Defendant wishes to change his plea prior to the below-scheduled trial date, he shall make the appropriate request in writing.

The Defendant's trial shall commence on April 4, 2005 at 9:30 a.m. before the Honorable Robert Clive Jones.<sup>1</sup> All pretrial motions shall be filed no later than March 14, 2005. Additionally, the following shall be filed or lodged with the Court no later than seven calendar days prior to the trial:

- 1) Proposed jury voir dire questions;
- 2) An original and one copy of the exhibit list - (Government's exhibits numbered; Defendant's exhibits lettered);
- 3) Three complete sets of marked and tabbed exhibits in three-ring binders. A copy of the Exhibit List shall be included in each three-ring binder. The parties shall meet and confer sufficiently in advance of trial and formulate a set of joint exhibits, if possible, to eliminate duplicate exhibits. Those exhibits upon which agreement cannot be reached shall be submitted separately by each respective party;
- 4) Any documents to be used in the examination of witnesses, but not to be introduced into evidence, such as police reports, investigative reports or witness statements - (one copy must be lodged with the Court);
- 5) Proposed verdict forms;
- 6) An original and one copy of witness lists for purposes of voir dire only - (Witness lists shall include: legal names, aliases, nicknames, place of residence and place of employment); and

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<sup>1</sup> The Honorable Robert Clive Jones, United States District Judge for the District of Nevada, sitting by designation.

- 7) Proposed jury instructions - (Those jury instructions upon which an agreement cannot be reached shall be submitted in a separate packet, together with the objections and authority therefor of each party).

DATED this 24<sup>th</sup> day of February 2005.

  
JOAQUIN V.E. MANIBUSAN, JR.  
United States Magistrate Judge

# ORIGINAL

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Attorneys for the United States of America

## IN THE UNITED STATES DISTRICT COURT FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
JAE HEE KIM )  
a/k/a YONG KIM, et al., )  
 )  
Defendant. )  
\_\_\_\_\_ )

CRIMINAL CASE NO. 05-00005-003

### STIPULATION OF PARTIES TO CONTINUE ARRAIGNMENT; AND ORDER

The parties in the above-entitled matter, the United States of America, and the defendant, through his counsel, Curtis C. Van de veld, hereby stipulate and request to continue the Arraignment in this matter, currently scheduled for February 24, 2004, at 2:00 p.m., and that it be rescheduled to a date on or after March 1, 2005, to be selected by the Court.

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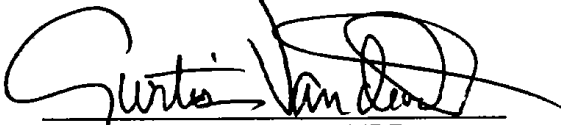
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1 The parties make this request in anticipation of a change of plea by the defendant.

2 SO STIPULATED.

3  
4 DATED: 24 Feb 05

  
CURTIS C. VAN DE VELD  
Attorney for Defendant

6  
7 LEONARDO M. RAPADAS  
United States Attorney  
Districts of Guam and NMI

8  
9 DATED: 2-24-05

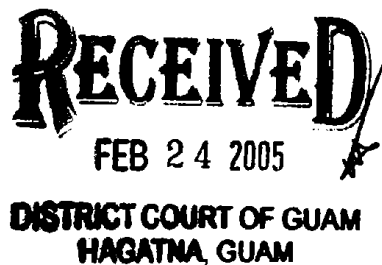
10 By:   
RUSSELL C. STODDARD  
First Assistant U.S. Attorney

11  
12 \*\*\*\*\* ORDER \*\*\*\*\*

13 IT IS SO ORDERED that the Arraignment scheduled for February 24, 2005, be rescheduled  
14 to March \_\_\_\_, 2005, at \_\_\_\_\_.m.

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17 DATED: \_\_\_\_\_

18 \_\_\_\_\_  
Designated Judge  
District Court of Guam

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FEB 24 2005  
DISTRICT COURT OF GUAM  
HAGATNA, GUAM